

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

JASON BARNETTE,

Plaintiff,

v.

CIVIL ACTION NO. 2:18-cv-01348

EQUIFAX, INC., et al.,

Defendants.

**MEMORANDUM OPINION AND ORDER**

Pending before the Court is Defendant FirstMark Services, LLC's ("FirstMark") unopposed motion to dismiss. (ECF No. 19.) By Standing Order filed in this case on October 11, 2018, this action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings and a recommendation for disposition ("PF&R"). (ECF No. 2.) Magistrate Judge Tinsley entered his PF&R on July 12, 2019, recommending that the Court grant FirstMark's Motion to Dismiss. (ECF No. 27.)

The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and a party's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

Objections to the PF&R in this case were due on July 29, 2019. To date, no objections have been filed. Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 27), and **GRANTS** FirstMark's Motion to Dismiss, (ECF No. 19). The matter remains referred to Magistrate Judge

Dwane L. Tinsley for additional proceedings concerning the claims against the remaining Defendants.

**IT IS SO ORDERED.**

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: July 31, 2019

A handwritten signature in blue ink, appearing to read "Th. Johnston", is written over a horizontal line.

THOMAS E. JOHNSTON, CHIEF JUDGE